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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/340,713	06/29/1999	TIMOTHY DAVID JOSEPH STAMPER	RARP113009	4261

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CHRISTENSEN, O'CONNOR, JOHNSON, KINDNESS, PLLC
1420 FIFTH AVENUE
SUITE 2800
SEATTLE, WA 98101-2347

EXAMINER

ANYA, CHARLES E

ART UNIT	PAPER NUMBER
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2126

DATE MAILED: 10/24/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/340,713

Applicant(s)

JOSEPH STAMPER ET AL.

Examiner

Charles E Anya

Art Unit

2151

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 1999.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 and 3 - 36 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,296,567 B1 to Kudo in view of Miyamoto et al.

As to claim 1, Kudo teaches a System of Sharing Data (Video Game Machine), Software Programs (Recording Medium 30, Col. 6, Ln. 35 – 36, Col. 10, Ln. 38 - 49), a Control Unit (“...game system...”, Col. 6, Ln. 335 – 38), a Processor (CPU 1, Col. 6, Ln. 35 – 38), a First Program (Col. 10, Ln. 61 – 67, Col. 12, Ln. 10 – 30), a Data Storage Medium (Recording Medium 30, Col. 10, Ln. 38 – 43), a Second Program (“...second game content...”, Col. 10, Ln. 38 – 43), retrieving information pertaining to the first program (Col. 10, Ln. 47 – 49) and utilizing the information pertaining to the first program with the execution of the second program (Col. 10, Ln. 61 – 67).

Kudo is not explicit with regards to a memory.

Miyamoto teaches a Memory (Memory Cartridge 15(ROM 15a), Col. 8, Ln. 1 – 18). It would be obvious to apply the teaching of Miyamoto to the system of Kudo. One would be motivated to make such a modification to provide game title, program data for controlling the display of characters (Col. 8, Ln. 1 – 7).

As claim 3, Kudo teaches identifying information pertaining to the second for sharing with the first program (Col. 10, Ln. 47 – 49) and requesting storage of the information pertaining to the second program in the memory for retrieval by the first program (Col. 10, Ln. 61 – 67).

As to claim 4, Kudo teaches identifying information pertaining the second program for sharing with a third program (Col. 11, Ln. 6 – 10, Permission Means 51 Col. 12, Ln. 26 – 30) and requesting storage of the information pertaining to the second program in the memory for retrieval by the third program (Col. 11, Ln. 6 – 10, Step 260 Col. 14, Ln. 1 – 15, Col. 14, Ln. 46 – 52).

As to claim 5, Kudo does not teach a Nonvolatile Random. Miyamoto teaches a Nonvolatile Random (Memory Cartridge 15 (15b), Col. 7, Ln. 60 – 67). It would have been obvious to apply the teaching of Miyamoto to the system of Kudo. One would have motivated to make such a modification to provide a temporary store for memorizing backup data occurring and developing in the course of game progression (Col. 7, Ln. 65 – 67).

As to claim 6, see the rejection of claims 1 and 3.

As to claim 7, see the rejection of claim 1.

As to claim 8, see the rejection of claim 2.

As to claim 9, see the rejection of claim 3.

As to claim 10, see the rejection of claim 3.

As to claim 11, see the rejection of claim 2.

As to claim 12, see the rejection of claim 4.

As to claim 13, Kudo teaches a First Game Cartridge (Recording Medium 30, Col. 10, Ln. 38 – 49, Col. 9, Ln. 17 – 19), a First Video Game Program (“...first game content...”, Col. 10, Ln. 38 – 49), Second Data Storage Medium (Recording Medium 30, Col. 10, Ln. 38 – 49, Col. 9, Ln. 17 – 19), a Second Video Game Program (“...second game content...”, Col. 10, Ln. 38 – 49).

As to claim 14, Kudo teaches a First Event (First Condition Determination Means 48, Col. 12, Ln. 10 – 30), a Status (“...first game condition is met...”, Col. 12, Ln. 10 – 15), altering the performance of the second video game program (Col. 10, Ln. 61 – 67, Col. 12, Ln. 10 – 30), Second Event (Col. 10, Ln. 61 – 67, Col. 12, Ln. 10 – 30), a Status (Col. 12, Ln. 22 – 25) and storing the second event in the memory (Condition Control Means 50, Col. 12, Ln. 22 – 25).

As to claim 15, claim 14 meets claim 15 except for a third video game program. Kudo teaches a Third Video Game Program (Col. 11, Ln. 4 – 10).

As to claim 16, Kudo teaches retrieving the status of the second event from the memory and utilizing the status to alter the performance of the first video game program (Col. 10, Ln. 47 – 49).

As to claim 17, Kudo teaches a Random Access Memory (Memory 21, Col. 12, Ln. 22 – 25 and the first and second game cartridges can be connected to and removed from the processor while the processor is powered on (Random Medium 30, Col. 9, Ln. 17 – 19, Note: Though Kudo is silent about removing the cartridge while the power is still on, it is however, inherent that recording medium 30 can be connected and removed while power is on.

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As to claim 18, see the rejection of claim 5.

As to claim 19, see the rejection of claim 1.

As to claim 20, see the rejection of claims 1 and 3.

As to claim 21, see the rejection of claim 4.

As to claim 22, Kudo teaches a Flag (First Condition Determination Means 48, Col. 12, Ln. 10 – 15).

As to claim 23, Kudo teaches a Flag (Second Condition Determination Means 49, Col. 12, Ln. 16 – 21).

As to claim 24, see the rejection of claim 17.

As to claim 25, see the rejection of claim 18.

As to claim 26, Kudo teaches at least two data storage medium (Recording Medium 30, Col. 9, Ln. 17 – 19).

As to claim 27, see the rejection of claim 13.

As to claim 28, see the rejection of claim 1.

As to claim 29, see the rejection of claim 2.

As to claim 30, see the rejection of claim 3.

As to claim 31, see the rejection of claim 4.

As to claim 32, see the rejection of claims 1 and 3.

As to claim 33, see the rejection of claim 1.

As to claim 34, claim 1 meets claim 34 except for outputting a code associated with the identified information on a display coupled to the processor.

Kudo teaches outputting a code associated with the identified information on a display coupled to the processor (Col. 12, Ln. 10 – 30, Note: Beating the first boss-enemy character or second boss-enemy is displayed on the screen).

As to claim 35, see the rejection of claim 1.

As to claim 36, see the rejection of claim 1.

3. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,296,567 B1 to Kudo in view Ng.

4. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Pat. No. 6,296,567 B1 to Kudo in view of Miyamoto et al. as applied to claim 1 above, and further in view of Ng.

As to claim 2 Kudo as applied in claim 1, does not teach verification of the validity of the retrieved information before utilizing it.

Ng teaches the verification of the validity of the retrieved information before utilizing it (Block 505, Col. 6, Ln. 62 – 67, Col. 7, Ln. 1 – 12). It would have been obvious to apply the teaching of Ng to the system of Kudo and Miyamoto. One would have been motivated to make such modification to provide cartridge authentication (Col. 6, Ln. 62 – 66).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charles E Anya whose telephone number is (703) 305-

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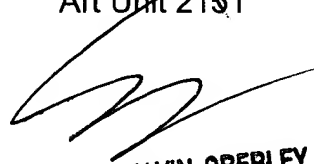
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3411. The examiner can normally be reached on M – F (First Friday Off) from 8:30 am to 5:30 pm.

The fax phone number for the organization where this application or proceeding is assigned is (703) 746-7239.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.

Charles E Anya
Examiner
Art Unit 2151



ALVIN OBERLEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100